Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q66984	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 09/986,555	Filed November 9, 2001
	First Named Inventor Fernando ORTEGA-RODRIGUEZ, et al	
	Art Unit 2424	Examiner Justin E. Shepard

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

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September 22, 2009
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Fernando ORTEGA RODRIGUEZ, et al.

Docket No: Q66984

Appln. No.: 09/986,555

Group Art Unit: 2424

Confirmation No.: 5908

Examiner: Justin E. Shepard

Filed: November 9, 2001

For: SYSTEM AND METHOD OF COMMON SYNCHRONISATION FOR BURSTS TRANSMITTED OVER AN UPLINK CONNECTION IN AN INTEGRATED MULTISPOT SATELLITE COMMUNICATION SYSTEM IN A MULTIMEDIA BROADCASTING NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated April 22, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

The application includes claims 1-20. Claims 1-8, 17 and 18 are rejected as unpatentable over Adiwoso in view of Schiff, claims 9 and 10 are rejected as unpatentable over Adiwoso in view of Schiff and further in vie of Hreha, claims 11-14 are rejected as unpatentable over Adiwoso in view of Schiff and further in view of Setoyama, and claims 15 and 16 are rejected as unpatentable over Adiwoso in view of Schiff and further in view of Sharon. Claims 19 and 20 are objected to as depending on rejected parent claims but are indicated as reciting allowable subject matter.

Fig. 1 illustrates an interactive direct broadcast system, where a multimedia broadcast signal is sent from a service provider 1 to a user 2 via a satellite S, and a return channel is provided by which the use can send to the service provider. A network controller 3 controls various aspects of the system. Thus, each of the service provider 1, user 2 and controller 3 communicate with the satellite via uplink and downlink channels. According to the present invention, the burst synchronization is common for the user and the service provider, such that the transmission rate in a downlink direction from the satellite is a whole multiple of a clock reference of the network. Also, different uplink channels from the service provider 1 and user 2 are inserted into a downlink signal to the controller 3, and this is done in a synchronous manner and such that a period of the downlink frame is equal to a period of the uplink frame.

Since the downlink transmission rate is a whole number multiple of the reference clock, the network clock reference (NCR) frequency can be generated on board the satellite. Synchronization of the equipment on board with the interactive network is substantially simplified. With the uplink and downlink frames being the same, and with the downlink transmission rate being a whole number multiple of the reference clock, the multiplexer onboard the satellite can multiplex synchronously rather than asynchronously. As a result of the claimed invention, both the user and the provider of the multimedia service are able to use the burst synchronization scheme defined in the DVB-RCS standard. Further, the generation of the clock frequency on board the satellite is simplified through the use of a single reference frequency both for synchronization with the interactive network and for generating the downlink signal.

The basis for traversal of the examner's rejections is set forth in the Amendment filed March 12, 2009, beginning with the first full paragraph of page 8 and continuing over to the end of page 12.

In the final Office action mailed April 22, 2009, the examiner responds on a number of bases.

First, as to the non-obviousness of modifying Adiwoso in such a manner as to render it incapable of performing the primary function of its design, the examiner argues that Adiwoso is relied on to teach a general overview of the satellite network as well as the type of data that could be transmitted, and since Schiff is mostly silent as to the type of data being transmitted, combining their teachings would not destroy the general overview of the network. But this is really no response to the issue. The point is that segregation of user and gateway traffic is an important aspect of Adiwoso, and in order to achieve the claimed invention it would have been necessary to modify Adiwoso such that it does not segregate user and gateway traffic. The examiner has not given any reason why the artisan would have abandoned this central aspect of Adiwoso's design.

The examiner next attempts to justify why he reads the claim language regarding the "provider" station on the master station in Schiff. In essence, the examiner is simply arguing that since one station is different from the others, it can be considered a "provider" station. This is apparently without reference to whether it provides anything that would justify its being termed a "provider" station. Claim 1 of the present application states that the satellite receives a multi-

media broadcast signal from the provider station. The master station of Schiff does not do this, and therefore is simply not a "provider" station.

An additional point is that, while a master station and slave stations may have the same data rate, the reasons for this do not apply to a provider station vs. a user station. A provider station and user station are not a master-slave relationship. The examiner has given no reason why one of skill in the art would have modified Adiwoso to adopt the master-slave arrangement of Schiff, or without having a master-slave arrangement, would have adopted the timing relationships or data rates of the master-slave system of Schiff in a system that had no master-slave setup.

From the above discussion it will be clear that the examiner is using the present claims as a roadmap for picking and choosing selected properties from the prior art and then putting them together in a specific way so as to achieve the invention, even with no real motivation for doing this except what is found in the present application.

For the above reasons, reversal of the examiner is requested.

Respectfully submitted,

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